

CITY-COUNTY GENERAL ORDINANCE NO. 81, 1981
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 81-AO-5

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana and fixing a time when the same shall take effect.

WHEREAS the Metropolitan Plan Commission of Marion County, Indiana, has adopted various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA including an AIR SPACE CONTROL PLAN FOR MARION COUNTY, adopted by Resolution 61-CPS-R-4 on December 27, 1961 and subsequently amended pursuant to Chapter 283 of the Indiana Acts of 1955, as amended;

WHEREAS said AIR SPACE CONTROL PLAN, consisting of a map, diagrams and other descriptive material, sets forth a plan and recommendations for the control of airspace in the vicinity of public airports, to prevent hazards and obstructions to air navigation and protect lives and property therein;

WHEREAS the INDIANAPOLIS INTERNATIONAL AIRPORT, EAGLE CREEK AIRPORT, SPEEDWAY AIRPORT, INDIANAPOLIS METROPOLITAN AIRPORT, and DOWNTOWN HELIPORT of the INDIANAPOLIS AIRPORT AUTHORITY exist as public airports and heliport, necessitating certain airspace controls applicable to land within Marion County, Indiana, for the prevention of such hazards and obstructions and the protection of lives and property therein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA, the Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended pursuant to Chapter 283 of the Indiana Acts of 1955 and Chapter 173 of the Indiana Acts of 1969, and the AIRPORT DISTRICT ZONING ORDINANCE of Marion County, Indiana, Ordinance 62-AO-2, adopted as an amendment thereto, as amended by ordinances 63-AO-3 and 72-AO-1, be amended in the following particulars:

That said AIRPORT DISTRICT ZONING ORDINANCE of Marion County, Indiana, Ordinance 62-AO-2, as amended, be amended to read as follows:

AIRSPACE DISTRICT ZONING ORDINANCE
OF MARION COUNTY, INDIANA
81-AO-5

Section 1.01 AIRSPACE DISTRICT

An AIRSPACE DISTRICT, a secondary zoning district, is hereby established for Marion County, Indiana, and land within Marion County, Indiana, as designated on the AIRSPACE DISTRICT ZONING MAP (Which MAP is attached hereto, incorporated herein by reference and made a part of this ordinance) is hereby zoned and classified as the AIRSPACE DISTRICT. The AIRSPACE DISTRICT shall consist of Airport Instrument and Non-Instrument Approach Surface Areas, Airport Transitional Surface Areas, Airport Horizontal Surface Areas and Conical Surface Areas, Heliport Approach Surface Areas and Heliport Transitional Surface Areas as defined in this ordinance and indicated on the AIRSPACE DISTRICT ZONING MAP.

Section 2.01 AIRSPACE DISTRICT REGULATIONS

The following regulations shall apply to all land within the AIRSPACE DISTRICT. These regulations shall be in addition to all other primary or secondary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall control.

A. USE

1. Prohibited Uses-Airport

Within that part of the Airport Instrument and Airport Non-Instrument Approach Surface Areas and Airport Transitional Surface Areas of the AIRSPACE DISTRICT ZONING MAP, which extend within ten thousand (10,000) feet from each end of a runway measured horizontally along the extended centerline of said runway, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, theatre, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.

2. Prohibited Uses-Heliport

Within that part of the Heliport Approach Surface Areas and Heliport Transitional Surface Areas of the AIRSPACE DISTRICT, as defined in this ordinance and designated on the AIRSPACE DISTRICT ZONING MAP, which extend four thousand (4,000) feet from the designated landing and take-off area of the heliport, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.

B. HEIGHT LIMITS-AIRPORTS

Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintain within the AIRSPACE DISTRICT to a height in excess of the following height limits herein established for the applicable Airport Instrument

Approach Surface Area, Airport Non-Instrument Approach Surface Area, Airport Transitional Surface Area, Airport Horizontal Surface Area and Airport Conical Surface Area, as defined in this ordinance and designated on the AIRSPACE DISTRICT ZONING MAP. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the AIRSPACE DISTRICT ZONING MAP).

1. Height limits for the Airport Instrument Approach Surface Area shall be:

One (1) foot in height for each one hundred (100) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each fifty (50) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.

2. Height limits for the Airport Non-Instrument Approach Surface Area shall be:

One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the non-instrument runway and extending to a point five thousand two hundred (5,200) feet from the end of the runway; thence one (1) foot in height for each sixteen (16) feet in horizontal distance to a horizontal distance of ten thousand two hundred (10,200) feet from the end of the runway.

3. Height limits for the Airport Transitional Surface Area shall be:

One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet from the centerline of non-instrument runways and five hundred (500) feet from the centerline of instrument runways, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of one hundred fifty (150) feet above the established airport elevation as indicated on the AIRSPACE DISTRICT ZONING MAP; one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the outer lines of all Instrument and Non-Instrument Approach Surface Areas for the entire length of said Approach Surface Areas, extending to their intersection with the outer line of the Conical Surface Area; and, beyond said points of intersection, beginning at the outer lines of all Instrument Approach Surface Areas and extending a horizontal distance to five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, one (1) foot vertical height for each seven (7) feet of horizontal distance.

4. Height limit for the Airport Horizontal Surface Area shall be:

One hundred fifty (150) feet above the established airport elevation as indicated on the AIRSPACE DISTRICT ZONING MAP.

5. Height limit for the Airport Conical Surface Area shall be:

One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the Horizontal Surface Area and measured perpendicularly to the

periphery of the Horizontal Surface Area to a height of three hundred fifty (350) feet above the airport elevation.

Provided, however, if any area is subject to more than one of the above height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this ordinance shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

C. HEIGHT LIMITS-HELIPORTS

Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintained within the AIRSPACE DISTRICT to a height in excess of the following height limits herein established for the applicable Heliport Approach Surface Area and Heliport Transitional Surface Area, as defined in this ordinance and designated on the AIRSPACE DISTRICT ZONING MAP. (Such height limits shall be computed from the applicable heliport landings and take-off area elevation as designated on the AIRSPACE DISTRICT ZONING MAP).

1. Height limit for the Heliport Approach Surface Area shall be:

One (1) foot in height for each eight (8) feet in horizontal distance beginning at the end of the heliport primary surface (such primary surface coinciding in size and shape with the designated take-off and landing area of the heliport) with the same width as the primary surface and extending outward and upward for a horizontal distance of four thousand (4,000) feet where its width is five hundred (500) feet.

2. Height limit for the Heliport Transitional Surface Area shall be:

One (1) foot in height for each two (2) feet in horizontal distance extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surface for a distance of two hundred fifty (250) feet measured horizontally from the centerline of the primary and approach surfaces.

Provided, however, if any area is subject to more than one of the above height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this ordinance shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

D. PERFORMANCE STANDARDS

The following performance standards shall apply to all land within the perimeter of the Airport Conical Surface Area and Heliport Transitional Surface Area as defined in this ordinance and indicated on the AIRSPACE DISTRICT ZONING MAP.

1. Interface with Communications

No use shall create interference with any form of communication the primary purpose of which is for air navigation.

2. Glare; Marking and Lighting of Airspace Hazards

- a. All lights shall be located or shielded in such a manner that they do not interfere with runway, taxi, tower or any other airport and heliport lights or result in glare which may interfere with the use of the airport and heliport in landing, taking-off or maneuvering of aircraft.
- b. Such markers and lights as may be required by the Indianapolis Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards, as defined in their ordinance, shall be permitted.

3. Smoke, Dust, Particulate Matter

- a. The emission of smoke, dust, particulate matter and any other airborne material shall be subject to the standards of Chapter 4 of the Code of Indianapolis, Marion County, Indiana and Regulations adopted pursuant thereto (a copy of which is on file in the office of the Division of Planning and Zoning of the Department of Metropolitan Development of Marion County, Indiana, and which standards and regulations are hereby incorporated by reference and made a part here of).
- b. No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the lot lines in a manner detrimental to or endangering the visibility of air crews using the airport and heliport in landing, taking-off or maneuvering of aircraft.

E. DEFINITIONS

1. Airspace Hazard — Any structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight of aircraft in landing or taking-off at a public airport or heliport, as determined to constitute an “airspace”, “airport” or “heliport” hazard either by the Federal Aviation Administration, the Aeronautics Commission of Indiana or the Indianapolis Airport Authority.
2. Airport Conical Surface Area — The land area designated as “Airport Conical Surface Area”, on the AIRSPACE DISTRICT ZONING MAP, beginning at the periphery of the Horizontal Surface Area and thence extending outwardly a distance of four thousand (4,000) feet -- said Conical Surface Area not including, however, the Instrument and Non-Instrument Approach Surface Areas and Transitional Surface Area.
3. Airport Horizontal Surface Area — The land area designated as “Airport Horizontal Surface Area”, on the AIRSPACE DISTRICT ZONING MAP, the perimeter of which is determined by projecting arcs from the center of the inner line of each Instrument and Non-Instrument Approach Surface Area (the dimension of said arcs for Instrument Approach Surface Areas being ten thousand (10,000) feet and for Non-Instrument approach connecting adjacent arcs by lines tangent thereto -- not including, however, as a part of the Horizontal Surface Area, the Instrument and Non-Instrument Approach Surface Areas and Transitional Surface Area.
4. Airport Instrument Approach Surface Area — The land area designated as “Airport Instrument Approach Surface Area” on the AIRSPACE DISTRICT ZONING MAP, located at each end of each instrument runway for landings and take-offs -- said

- Surface Area having a width of one thousand (1,000) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond each end of the runway, its centerline being the continuation of the runway centerline.
5. Airport Non-Instrument Approach Surface Area — The land area designated as “Airport Non-Instrument Approach Surface Area” on the AIRSPACE DISTRICT ZONING MAP, located at each end of each non-instrument runway for non-instrument landings and take-offs -- said Surface Area having a width of five hundred (500) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond each end of the runway, its centerline being the continuation of the runway centerline.
 6. Airport Landing Area — The area of the Airport used for the landing take-off or taxiing of aircraft.
 7. Airport Transitional Surface Area — The land area designated as “Airport Transitional Surface Area” on the AIRSPACE DISTRICT ZONING MAP, located adjacent to each instrument and non-instrument runway, symmetrically on each side of such runway -- said Surface Area extending outward as indicated on the AIRSPACE DISTRICT ZONING MAP from a line two hundred fifty (250) feet on either side of the centerline of a non-instrument runway, for the length of such runway plus two hundred (200) feet at each end thereof, to the inner line of the Horizontal Surface Area, and from a line five hundred (500) feet on either side of the centerline of an instrument runway plus two hundred (200) feet at each end thereof, to the inner line of the Horizontal Surface Area; further symmetrically located adjacent to each Instrument and Non-Instrument Runway Approach Surface Area, on each side thereof, having variable widths, as indicated on the AIRSPACE DISTRICT ZONING MAP, and extending the entire length of said Approach Surface Areas to their intersection with the outer line of the Conical Surface Area; and further located beyond said points of intersection, beginning at the outer lines of all Instrument Approach Surface Areas and extending a horizontal distance of five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, as indicated on the AIRSPACE DISTRICT ZONING MAP.
 8. Heliport Approach Surface Area — The land area designated as “Heliport Approach Surface Area” on the AIRSPACE DISTRICT ZONING MAP, located at the edge of the heliport landing and take-off area -- said surface area having a width equal to the width of the heliport landing and take-off area and widening thereafter uniformly to a width of five hundred (500) feet at a horizontal distance of four thousand (4,000) feet from the landing and take-off area.
 9. Heliport Landing and Take-off Area — The area of the heliport used for the landing and take-off of helicopters.
 10. Heliport Primary Surface Area — That area coinciding in size and shape with the Heliport Landing Take-off area.

11. Heliport Transitional Surface Area — The land area designated as Transitional Surface Area on the AIRSPACE DISTRICT ZONING MAP, located adjacent to the heliport primary surface -- said surface extends outward perpendicular to the centerline of the primary and approach surfaces for a horizontal distance of two hundred and fifty (250) feet.
12. Instrument Runway — A runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.
13. Non-Instrument Runway — A runway other than an instrument runway.
14. Public Airport or Heliport — An airport or heliport publicly owned or operated, designated as a "Public Airport" or "Public Heliport" on the AIRSPACE DISTRICT ZONING MAP, for which an Airspace District is established by this ordinance.
15. Runway — The surface of the airport used for landing and taking-off of aircraft.
16. Structure — An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines.

BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after its passage.

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

Beurt SerVaas

President (or Presiding Officer)

Dated: September 9, 1981

Attest: Beverly S. Rippy
(Clerk)